

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER BASKIN,

Defendant.

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CASE NO. 8:15CR313

ORDER

This matter is before the Court on the Defendant's Motion for Petition to File an Appeal Out of Time, ECF No. 115, and Motion for Leave to Appeal in Forma Pauperis, ECF No. 116, both filed on January 16, 2018.

Judgment was entered in this case on May 5, 2017, ECF No. 111. The Defendant waived his right of appeal in his Plea Agreement, ECF No. 102. At the time of his plea hearing, the Defendant stated that he understood his waiver of his right of appeal, and that he was satisfied with the representation provided by his attorney.

Federal Rule of Appellate Procedure 4(b)(1)(A) provides: "In a criminal case, a defendant's notice of appeal must be filed in the district court within 14 days after the later of: (i) the entry of either the judgment or the order being appealed; or (ii) the filing of the government's notice of appeal." Rule 4(b)(4) provides: "Upon a finding of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b)."

In this case, there was no notice of appeal filed by the government. Even if the Defendant had shown excusable neglect or good cause justifying an extension of the time to file his notice of appeal, which he has not done, this Court's authority to extend the time to file the notice of appeal ended on or about June 18, 2017.

IT IS ORDERED:

1. Defendant Christopher Baskin's Motion for Petition to File an Appeal Out of Time, ECF No. 115, is denied;

2. Defendant Christopher Baskin's Motion for Permission to Appeal In Forma Pauperis, ECF No. 116, is denied as moot; and
3. The Clerk is directed to send a copy of this Order to the Defendant at his last known address.

DATED this 20th day of March, 2018.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge